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February 7, 2023

ECF

Jose R. Almonte, U.S.M.J.
United States District Court, D.N.J.
U.S. Post Office & Courthouse
1 Federal Square, Room 457
Newark, New Jersey 07101-0999

Re: Howard v. Shiftpixy
Civil Action No. 2:20-cv-17631-JMV-MF
Status Report

Dear Judge Almonte:

This law firm represents the plaintiff Lori Howard (“Howard”) in the above matter. We submit this letter jointly on behalf of all parties to apprise the Court of the status of this matter.

A. Background

By way of brief background for the Court, this action was commenced by Howard seeking payment of certain unpaid employment compensation, including unpaid stock compensation which would have a value in excess of \$1 Million. Defendant Shiftpixy, Inc. (“Shiftpixy”) disputes this compensation and has asserted counterclaims against Howard for unpaid reimbursement of certain draws paid to Howard during her employment.



B. Status of Discovery

The parties have completed all discovery, including responses to interrogatories, document demands and depositions. The parties have not retained experts to testify or provide reports in this matter and have waived experts.

C. Summary Judgment Motions

Defendant filed a summary judgment motion and Plaintiff filed a cross-motion for summary judgment, which was fully submitted to the Court on October 11, 2022. No oral argument was granted on the motion and the motion is sub judice.

D. Mediation, Settlement and Trial

Plaintiff requests the appointment of a Court mediator, if available, to see if the matter can be amicably resolved. Once mediation and/or summary judgment motions are resolved, if the matter is not disposed of, Plaintiff believes this case will be ready for trial and the preparation of a pre-trial order will be needed. Defendant does not believe that mediation would be fruitful at this time while the dispositive motions are pending.

On December 27, 2022, at the direction of the Court, plaintiff made a settlement demand to the defendant. Defendant has not yet responded to the settlement demand .

There are several anticipated pretrial issues that may need to be resolved. Additionally, many of the witnesses in this case are from out of state and the Court will need to determine whether video testimony will be permitted for such witnesses, particularly in light of COVID.



E, Conference

There is currently a telephonic status conference scheduled for February 15th at 10 AM.

Respectfully Submitted,

/s/ David A. Schrader

David A. Schrader

cc: all counsel (by ECF)